

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 1, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Street and Alley Vacation #04011 **Date:** August 23, 2004

**PROPOSAL:** To vacate the south 6.5' of P Street right-of-way adjacent to the former Salvation Army buildings at 8<sup>th</sup> and P Streets (150' east-west, more or less) and an 18-foot width on the west side of N. 8<sup>th</sup> Street adjacent to the same building complex, measuring about 129' north from the alley south of the buildings.

**LOCATION:** 8<sup>th</sup> and "P" Streets.

**LAND AREA:** 975 square feet of P Street ROW, more or less, and 2,352 square feet of 8<sup>th</sup> Street ROW, more or less.

**CONCLUSION:** The use of street right-of-way by adjoining building owners in the Haymarket area has not followed a consistent policy in the past. Vacations have been approved in some cases, and permits or licenses in other cases. The developer's plans in this case seem reasonable, but require that the existing curbs lines along both streets be moved from their existing location.

<p><b><u>RECOMMENDATION:</u></b> Find that the vacation of right-of-way is consistent with the Comprehensive Plan, but should be conditioned on City Council approval of a development agreement with the applicant, to assure that the street improvements suggested by this vacation will in fact be implemented.</p>
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A portion of P Street on the south side of the right-of-way, adjacent to Lots 1, 2, and 3 of Block 45, Original Plat, measuring 150 feet (more or less) west from the west line of the N. 8<sup>th</sup> Street right-of-way and 6.5 feet north-south; and portion of N. 8<sup>th</sup> Street on the west side of the right-of-way, adjacent to Lot 1, Block 45, Original Plat, measuring 128.45 feet north from the north edge of the east-west alley in Block 45, and measuring 18 feet east-west, located in the NE 1/4 of Section 23-10-6, Lancaster County, Nebraska, generally located at the SW corner of N. 8<sup>th</sup> and P Streets.

### **SURROUNDING LAND USE AND ZONING:**

North:	Commercial (restaurant and offices)	B-4 Lincoln Center Business
South:	Commercial (shops & residences)	B-4 Lincoln Center Business
East:	Commercial (bars, shops & offices)	B-4 Lincoln Center Business
West:	Commercial (residences & artist studios)	B-4 Lincoln Center Business

**ASSOCIATED APPLICATIONS:** Comprehensive Plan Conformance 04004

**HISTORY:** This corner property was occupied by a hotel in the nineteenth century, then was redeveloped by Grainger Bros. grocery wholesalers in the early 20<sup>th</sup> Century. Salvation Army acquired the grocery warehouses and offices and constructed the 3-story corner building for retail and rehabilitation/residential uses in the 1960s. The present owners recently purchased the property from Salvation Army.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies the surrounding area as Commercial. (F 25)

Public private partnerships for the redevelopment of Haymarket are encouraged. (E78)

**UTILITIES:** There are no utilities identified within the right-of-way petitioned to be vacated.

**ANALYSIS:**

1. This is a request to vacate two portions of right-of-way at 8<sup>th</sup> & P Streets in Haymarket, consisting of a 6.5'x150' parcel on the south side of P Street, adjacent to the former Salvation Army buildings, and an 18.5'xapprox. 130' parcel on the west side of N. 8<sup>th</sup> Street, adjacent to the same complex.
2. The vacation petition from B & J Partnership Ltd. states that the P Street ROW would be used “as a handicap ramp for entry to premises” and the N. 8<sup>th</sup> St. ROW “as outdoor dining area for adjacent retail spaces.” The south building on N. 8<sup>th</sup> Street has an existing dock area that is intended to be extended.
3. The Director of Urban Development has applied for a related amendment to the Lincoln Center Redevelopment Plan, also on the Planning Commission’s agenda as Comprehensive Plan Conformance 04004, to amend the Plan to include an area of Haymarket from O to R Streets and N. 7<sup>th</sup> to N. 8<sup>th</sup> Streets, including a rehabilitation project at the former Salvation Army buildings and new construction at 7<sup>th</sup> and R Streets. The Salvation Army buildings project anticipates the vacation of ROW east of the buildings for outdoor dining and ROW north of the buildings for an access ramp. The property owner’s petition is that those ROW areas be vacated and attached to the private property by quit-claim deed.
4. The City has granted permission to several P Street properties to use portions of adjacent right-of-way for stairs and access ramps to buildings. None of these permissions included right-of-way vacation, however. B & J Partnership presented their concepts for the redevelopment of the Salvation Army Buildings to the Historic Preservation Commission on October 16, 2003, including use of ROW areas east

and north of the buildings. The Commission voted to approve the concepts including the north access ramp and the east outdoor seating area.

5. The proposed ramp and outdoor seating are depicted in applications to Urban Development Dept. for assistance with facade improvements (attached). The designs are consistent with the concepts approved by the Preservation Commission in Oct. 2003.
6. The width of the area requested on 8<sup>th</sup> Street generally aligns with the width of the loading docks north of this property across P Street. It is wider than the historic loading dock on the Grainger Building south of the subject property. The width of the area requested on P Street generally aligns with the stairs and ramps east and west of it on the south side of P Street.
7. N. 8<sup>th</sup> St. in Haymarket has numerous historic loading docks attached to buildings within the original right-of-way, establishing a unique character of this street throughout Haymarket. Some of the right-of-way under these docks, especially between P and Q Streets, have been vacated and the land attached to the adjacent private property, with protections that any improvements in the vacated areas are subject to the binding “Certificate of Appropriateness” procedure.
8. In recent decades, as Haymarket has redeveloped the city has permitted several properties to make use of 8<sup>th</sup> St. right-of-way for access ramps and steps under a provision of LMC Chapter 14 for “use of areas above or below right-of-way,” without vacating the right-of-way. However, in other situations, the City has vacated right-of-way for similar purposes.
9. The Fire Department points out the need for continued access to sprinkler hookups on the wall of the building, about 75 feet west of the intersection.
10. The requested rights-of-way do not appear likely to be needed for street improvements. These vacations will not create lots without frontage and access to a public street. However, pedestrian movement is an important use of right-of-way, especially in Haymarket. The proposed vacations assume that the City will make street improvements on N. 8<sup>th</sup> Street and P Street, including the relocation of curb lines, reconstruction of sidewalks, and reconfiguration of on-street parking. The Public Works staff has informally reviewed the proposed vacations and street improvements and is not opposed to the general concept. However, these improvements are not fully funded, are still in design, and have not been reviewed by other Haymarket building owners. Funding is anticipated by the tax increment generated by the Salvation Army buildings project, but the funding instrument has not been established and the developer and City have not negotiated a development agreement.

11. The transfer of land should not proceed until the City and building owner have successfully negotiated a development agreement that assures funding for the street improvements, requires approval of building-related improvements by the Historic Preservation Commission, and provides for continued access to sprinkler hookups.

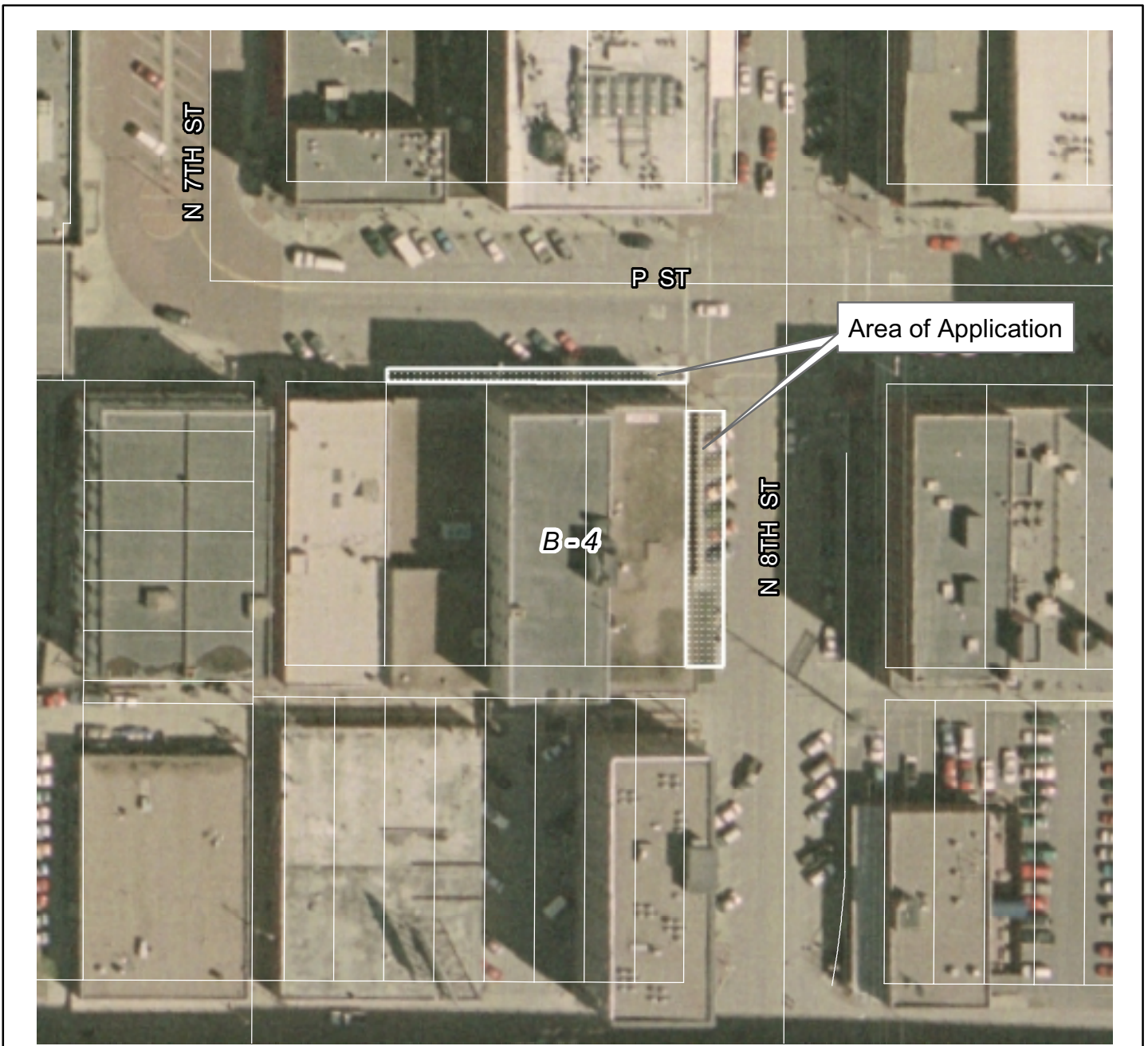
Prepared by:

Ed Zimmer, Historic Preservation Planner  
441.6360, [ezimmer@lincoln.ne.gov](mailto:ezimmer@lincoln.ne.gov)

**Applicant:** B. & J. Partnership, Ltd.  
P. O. Box 81906  
Lincoln, NE 68501  
(402) 323-3100

**Owner:** City of Lincoln

**Contact:** Clay Smith, General Partner  
B. & J. Partnership, Ltd.  
P. O. Box 81906  
Lincoln, NE 68501  
(402) 323-3100



2002 aerial

## Street & Alley Vacation #04011 N. 8th & P Sts.

### Zoning:

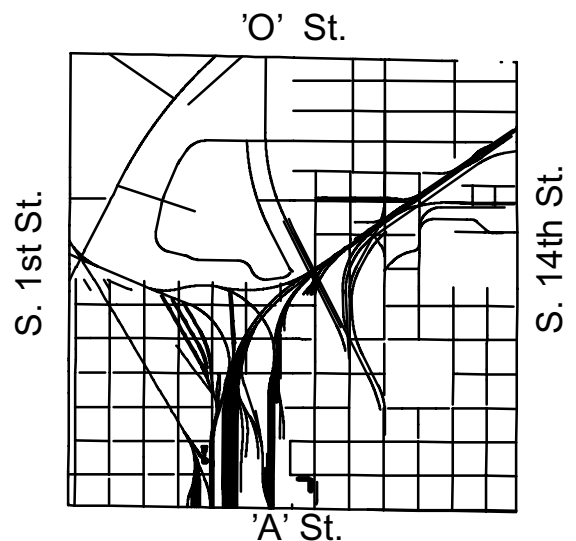
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 26 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



# INTER-DEPARTMENT COMMUNICATION

<b>TO</b>	Greg Czaplewski	<b>DATE</b>	August 11, 2004
<b>DEPARTMENT</b>	Planning	<b>FROM</b>	Rick Peo
<b>ATTENTION</b>		<b>DEPARTMENT</b>	City Law
<b>COPIES TO</b>		<b>SUBJECT</b>	Street & Alley Vacation No. SAV 04011 - 8th & P/ B & J Partnership, Ltd.

Greg -

The ownership set forth in the Petition to Vacate Public Way for the above-referenced street & alley vacation is correct and the petition has been properly executed.

- Rick Peo



**Gregory S Czaplewski**

08/11/2004 07:59 AM

To: Edward Zimmer/Notes@Notes

cc:

Subject: Street and Alley Vacation

----- Forwarded by Gregory S Czaplewski/Notes on 08/11/2004 08:01 AM -----

**Richard J Furasek**

08/10/2004 03:33 PM

To: Gregory S Czaplewski/Notes@Notes

cc:

Subject: Street and Alley Vacation

After reviewing Street and Alley Vacation No. SAV 04011 and also driving to the area and looking at the area, the only concern is that about 75 feet west of the intersection of 8th and P street are the sprinkler hookups on the wall of the building. We need access to these in our operations if need be. Otherwise we have no other concerns about the request.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292

# FIRST LEVEL

NO SCALE

VERTICLE AREA



COMMON AREA



## AREA CALCULATIONS

GROSS S.F. 21,325

USEABLE S.F. 18,059

COMMON S.F. 593

AREA 100 2,045

AREA 101 1,021

AREA 102 1,710

AREA 103 6,020

AREA 104 5,010

OUTSIDE AREA WEST 954

OUTSIDE AREA EAST ONE 195

OUTSIDE AREA EAST TWO 1,150

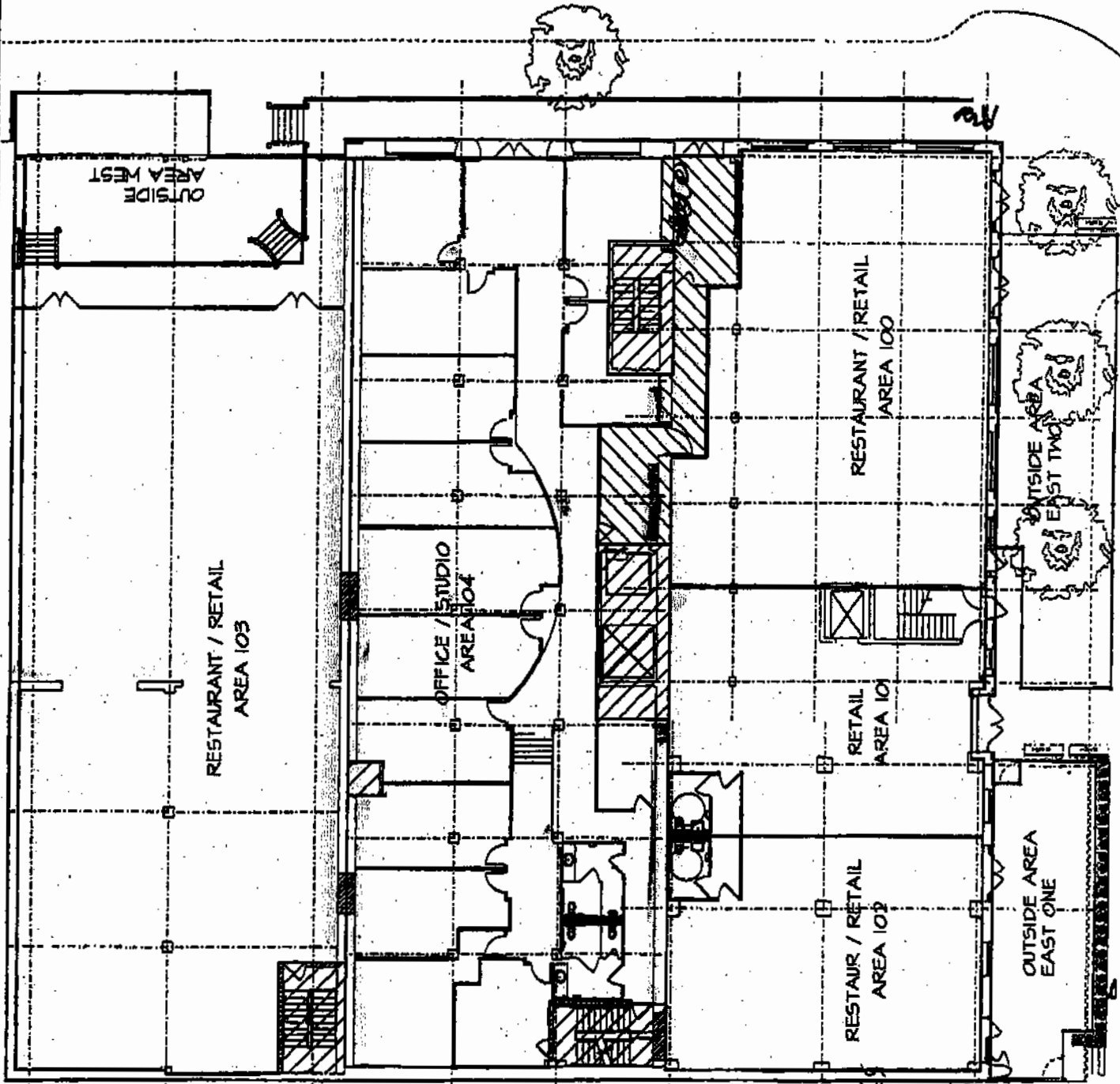


CEILING

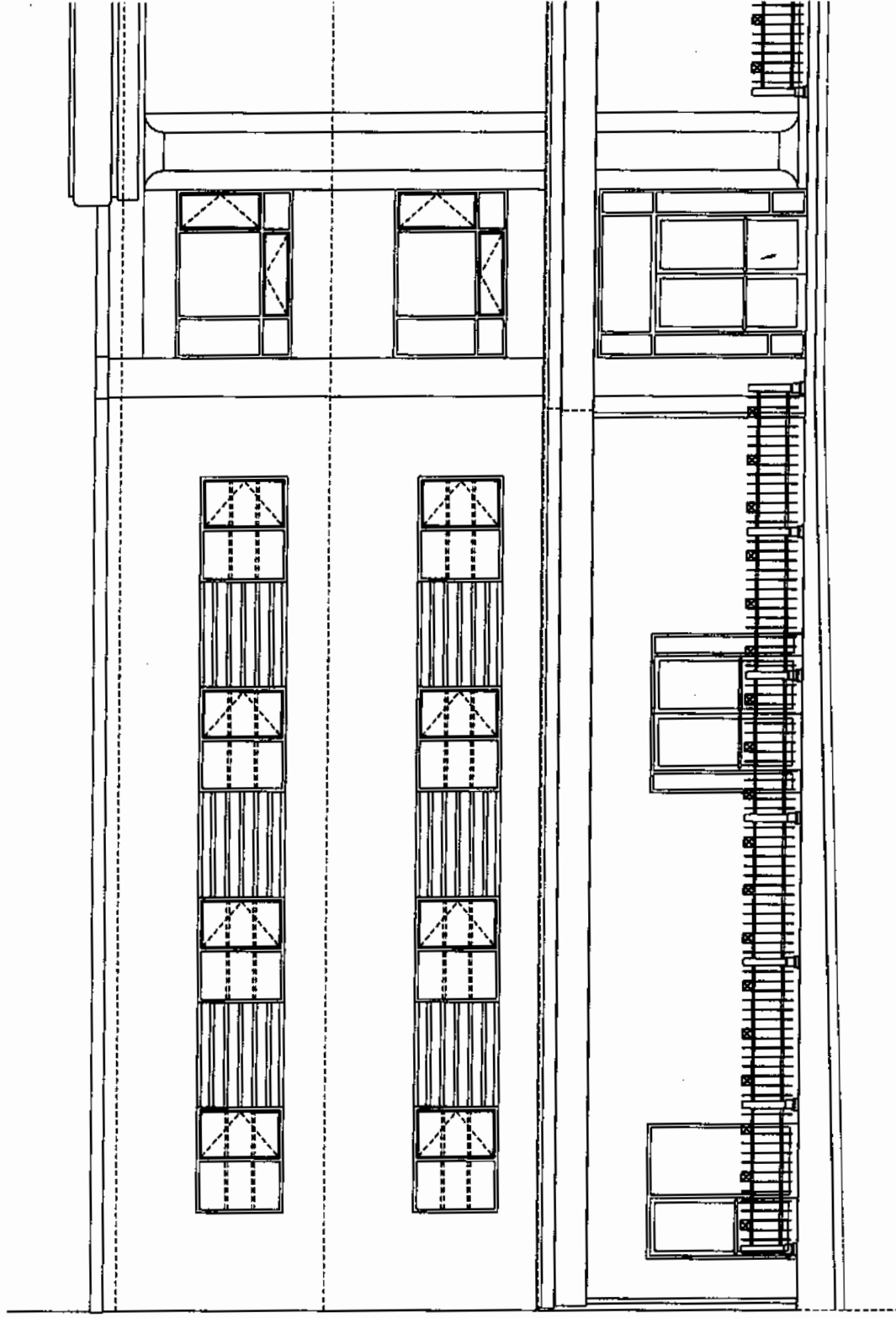


WALLS & COLUMNS

OPTION C

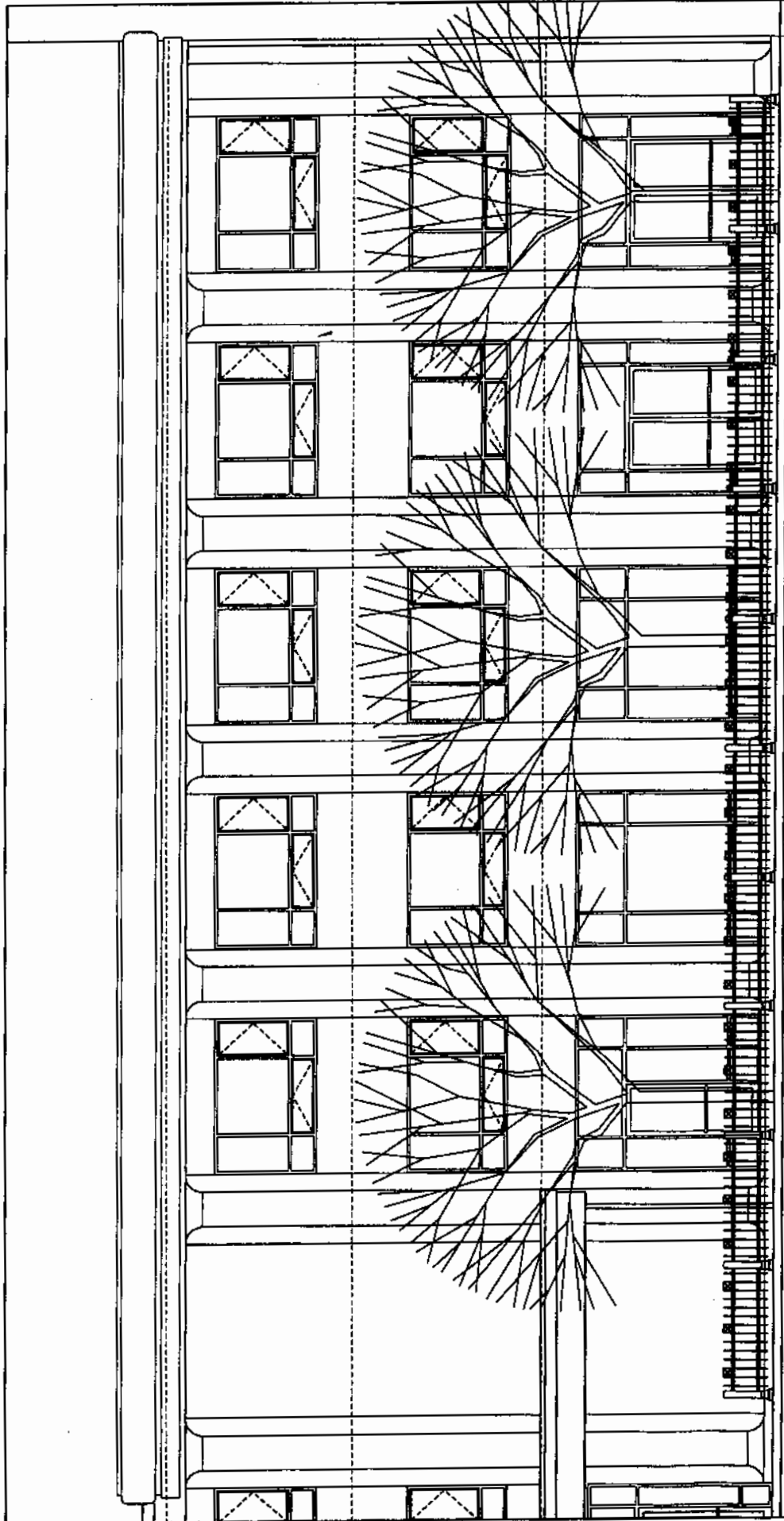






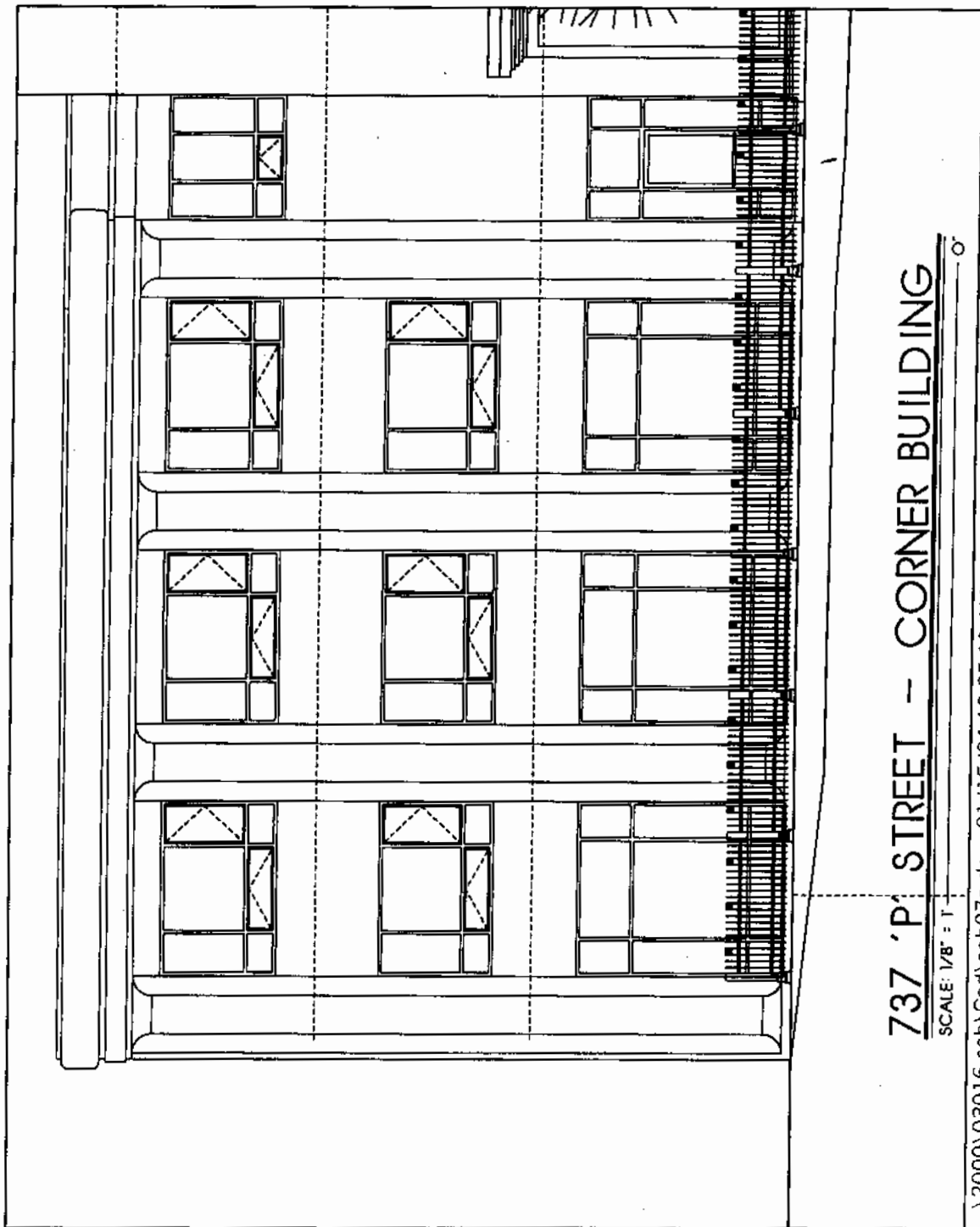
737 'P' STREET - BANANA BUILDING

SCALE: 1/8" = 1' 0"



**737 'P' STREET - CORNER BUILDING**

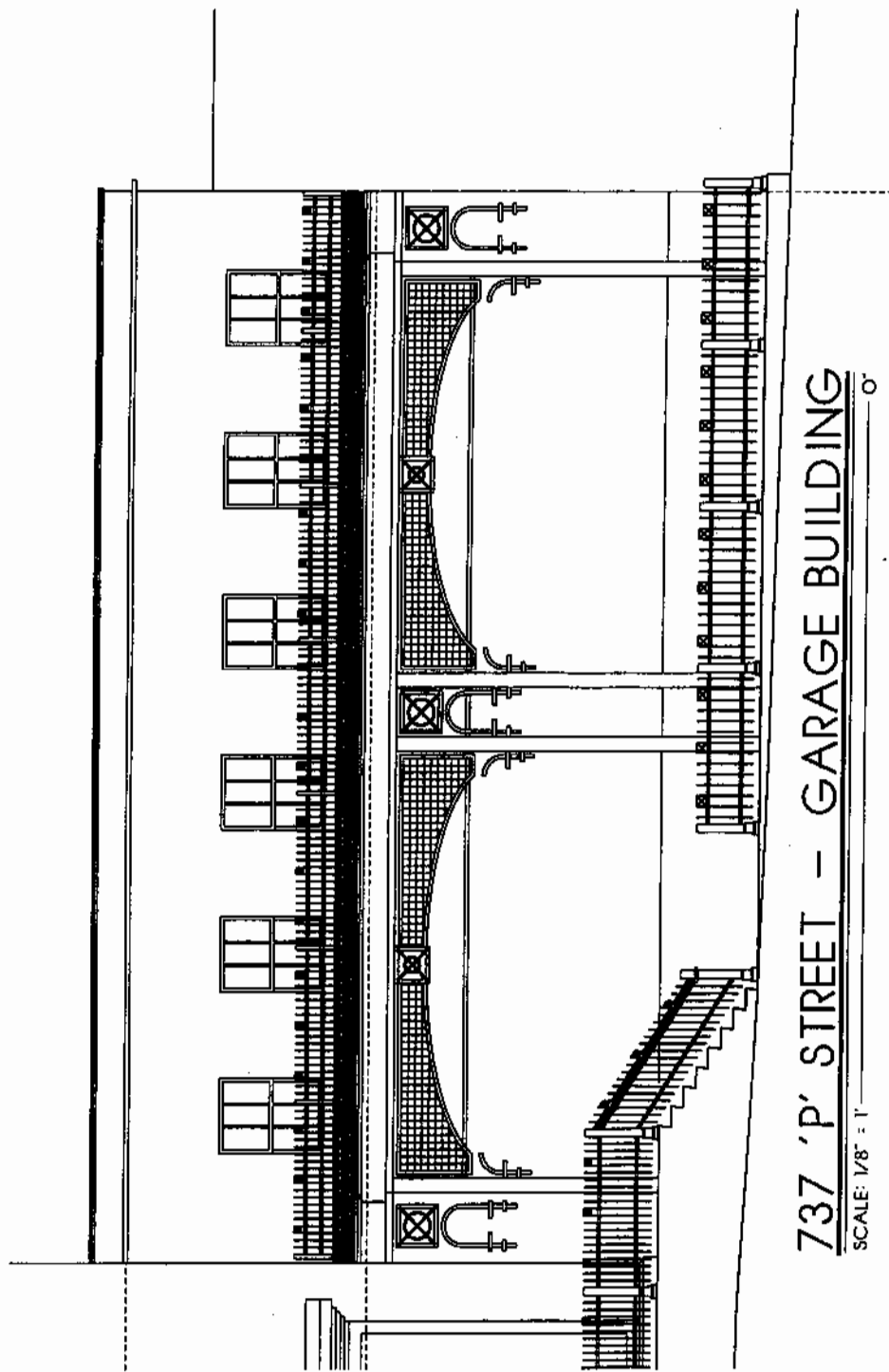
SCALE: 1/8" = 1' — 0"





737 'P' STREET - TOWER BUILDING

SCALE: 1/8" = 1' ————— 0'



737 'P' STREET - GARAGE BUILDING

SCALE: 1/8" = 1'

0'